UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

--x

GEORGE MARTINEZ,

Plaintiff,

v.

VIVID MECHANICAL, LLC,

Defendant.

--x

16 CV 3763

DECLARATION OF WALKER G. HARMAN, JR. IN SUPPORT OF PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Walker G. Harman, Jr., an attorney duly admitted to practice in the State of New York and in this Court, hereby declares as follows:

1. I am an attorney at The Harman Firm, LLP, counsel of record for Plaintiff George Martinez in the above-captioned action.

2. I submit this Declaration in support of Plaintiff's Motion for Default Judgment pursuant to FED. R. CIV. P. 55(b) and L. CIV. R. 55.2 against Defendant Vivid Mechanical LLC for failure to respond to the Complaint or otherwise appear in this action.

3. Upon information and belief, Defendant is a corporation organized under the laws of New York with offices located at 45-39 Davis Street, Long Island City, New York 11101.

4. Plaintiff filed his Complaint on July 6, 2016. *See* Docket Entry 1. A Summons and the Complaint were properly served on Defendant on August 10, 2016, pursuant to FED. R. CIV. P. 4(e)(1), New York C.P.L.R. § 311(a)(1), and New York C.P.L.R. 308(1). The Affidavit of Service is attached hereto as Exhibit A.

5. Defendant has not answered, appeared, pleaded, or otherwise moved with respect to the Complaint, and the time for Defendant to answer or otherwise move has not been extended.

The time for Defendant to answer or otherwise move with respect to the Complaint herein expired on September 1, 2016.

6. Defendant's default has been noted by the Clerk of Court. A copy of the Certificate is attached hereto as Exhibit B.

7. Defendant is indebted to Plaintiff for discriminating against him based on his race and national origin by subjecting him to a hostile work environment, terminating his employment, and retaliating against him for his complaints about Defendant's discriminatory conduct. Plaintiff is entitled to compensatory damages, including, but not limited to, back pay, front pay, emotional distress, punitive damages, costs, attorneys' fees, and any other damages and other compensation that the Court deems appropriate.

WHEREFORE, Plaintiff requests that a default judgment be entered in favor of Plaintiff George Martinez and against Defendant Vivid Mechanical LLC.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to Plaintiff, and that no part thereof has been paid.

Dated: New York, New York
October 17, 2016

By: s/ Walker G. Harman, Jr.

Walker G. Harman, Jr. [WH-8044]
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